

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2013 JUN -7 PM 3: 36

CLERK
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STATE OF VERMONT,
Plaintiff

v.

MPHJ TECHNOLOGY INVESTMENTS,
LLC,
Defendant

Docket No. 2:13-cv-170

NOTICE OF REMOVAL

Defendant MPHJ Technology Investments, LLC ("MPHJ"), pursuant to 28 U.S.C. §§ 1331, 1332(a), 1338, 1367, 1441(a)-(c), 1446, 1454, and 2072; 35 U.S.C. §§ 1 *et seq.*; and the United States Constitution, Article VI, Clause 2 (Supremacy Clause) and Article I, Section 8, Clause 8 (Patent Clause) hereby removes this action to the United States District Court for the District of Vermont.

In support, MPHJ states as follows:

1. On or about May 8, 2013, Plaintiff commenced an action in the State of Vermont Superior Court, Washington Unit, by filing a "Consumer Protection Complaint" captioned *State of Vermont v. MPHJ Technology Investments, LLC*, Docket No. 282-5-13 Wncv (the "Complaint"). A copy of the Complaint is annexed hereto as **Exhibit A**.
2. On May 20, 2013, MPHJ received a copy of the Complaint, together with a summons and transmittal form, copies of which are annexed hereto as **Exhibit B**.

3. Exhibits A and B represent all process, pleadings, and orders served upon Defendant in this action.

4. The Complaint presents a federal question arising under the United States Constitution and the laws of the United States, specifically, the validity, infringement, and enforcement of patents that are the subject of the letters upon which this action is based, questions which fall within the original and exclusive jurisdiction of the federal district courts. *See, e.g.*, 28 U.S.C. § 1338 (“The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents....No State court shall have jurisdiction over any claim for relief arising under any Act of Congress relating to patents...”); 35 U.S.C. § 1 *et seq.*; 28 U.S.C. § 2072.

5. This Court has supplemental jurisdiction over any State law claims that may exist.

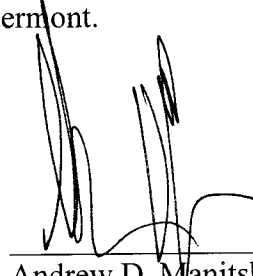
6. This Court also has diversity jurisdiction over this action. The matter in controversy exceeds the sum or value of \$75,000. Defendant, MPHJ Technology Investments, LLC is a limited liability company organized under the laws of the State of Delaware with a principle place of business in the State of Delaware. The sole member of MPHJ Technology Investments, LLC is J. Mac Rust, a citizen of the State of Texas. While this case is filed by the Attorney General purportedly in *parens patriae* for Vermont, the action actually is a suit by the Attorney General on behalf of certain Vermont businesses, which, upon information and belief, are citizens of the State of Vermont and their citizenship must be considered in determining diversity jurisdiction.

7. Thirty (30) days have not yet expired since receipt of the Complaint.

8. Written notice of the filing of this Notice of Removal will be served upon Plaintiff and filed with the State of Vermont Superior Court, Washington Unit.

WHEREFORE, Defendant MPHJ Technology Investments, LLC removes this action to the United States District Court for the District of Vermont.

Dated: Burlington, Vermont
June 7, 2013



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(*Pro Hac Vice pending*)

For Defendant